

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BREWSTER SMITH, JR., et al.,)
)
 Plaintiffs,)
)
 v.)
)
 BB&T CORPORATION, et al.,)
)
 Defendants.)
)
 1:15-CV-841

ORDER

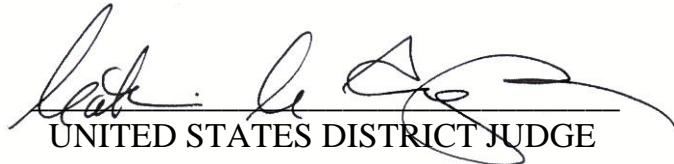
In these consolidated cases and proposed class action, the plaintiffs have sued the defendants for alleged ERISA violations related to their management of plaintiffs' 401(k) Savings Plan. The defendants move to dismiss, contending, *inter alia*, that the plaintiffs have failed to state claims on which relief may be granted and that parts of plaintiffs' claims are barred by the statute of limitations.

The Court concludes plaintiffs have stated claims on which relief may be granted. The Court further concludes that that this is not one of those “relatively rare circumstances” where dismissal on statute of limitations grounds is appropriate on the

pleadings. *See Goodman v. Praxair, Inc.*, 494 F.3d 458, 464 (4th Cir.2007). This denial is without prejudice to a summary judgment motion.

It is **ORDERED** that the defendants' motion to dismiss, (Doc. 51), is **DENIED**.

This the 18th day of April, 2016.



UNITED STATES DISTRICT JUDGE